

**RUMSON ZONING BOARD OF ADJUSTMENT
MAY 21, 2013
MINUTES**

Chairman Conklin called the regular meeting to order at 7:00 p.m. with the Pledge of Allegiance. The Roll was called with the following members present: Conklin, Atwell, Wood, Brodsky, Thompson, Blum. Also present: Bernard Reilly (Board Attorney), Fred Andre (Zoning Officer), State Shorthand.

The requirements of the Open Public Meetings Act were stated as met.

Mr. Andre was sworn in at this time.

Robert McLynn, 83 Waterman Ave.

Mark Aikens, attorney, appeared on behalf of the applicant. Mr. McLynn, still under oath, explained his proposed changes for his second floor addition, which is now 4' smaller than the original application. There is no change for the rear. The 3rd flood dormer setback has been brought in 3'. The height will be 2-3' above that allowed under the ordinance. There is no grading change proposed.

There were no questions or comments from the public. Mr. Brodsky moved to approve the revised application, and Dr. Wood seconded.

Roll Call Vote: Ayes – Conklin, Atwell, Wood, Brodsky, Thompson, Blum
Nays – None

Motion carried.

William & Katherine Thompson, 12 Tyson Lane

Mark Aiken, attorney, appeared on behalf of the applicants. Their property is in the "V" flood zone. Mr. Demarzio, environmental consultant, was sworn in at this time. A map (A-6, dated 5/21/13) was shown of the area. The wetlands on the property were located on the map. The area of the proposed new house was also shown, to be constructed slightly northwest of the existing footprint. Setbacks of nearby homes were shown to also encroach into the 50' required setback. Moving this house back farther would cause them to encroach into the wetlands area. Mr. Demarzio noted that a number of permits would be required to do this, and no buffer would be available for this area. They propose 61' from the front setback. Their proposed square footage is less than the prior application. They feel their plan is the best for the property. Their porch area has been reduced.

Chairman Conklin asked about the wetlands buffer areas and how this property is affected by this. Mr. Demarzio said this is about one fifth of the overall property which is regulated under the zoning ordinance. Additional discussion occurred regarding the wetlands issue, and they think their plan addresses this in the best way.

Michael Capill, Tyson Lane, was sworn in and spoke in support of the application.

Mr. Aikens summarized that the environment and wetlands were taken into consideration with their plan.

Mr. Blum is comfortable with the proposed plan and the reasoning applied. He likes that the plan has been moved, and thinks this is a better plan to fit in with the neighbors' concerns. The other members agreed.

Revised plans will be submitted before the next meeting.

David & Susan Petrick, 10 Packer Ave.

Mr. Petrick, still under oath, stated they now propose a new roof over the deck on the river side, and they have reduced the addition area.

There were no questions or comments from the public.

Mr. Blum asked about the interior space, and the proposed expansion was further explained.

Mr. Brodsky thinks the building coverage is good, and he is happy with their proposal.

Mr. Thompson thinks they have addressed the Board's concerns.

Mr. Thompson moved to approve the application, and Dr. Wood seconded.

Roll Call Vote: Ayes – Thompson, Atwell, Blum, wood, Brodsky

Nays – Conklin

Motion carried.

Richard & Josephine Donovan, 9 Oak Tree Lane

Mr. Donovan was sworn in and explained his plan to raze his existing house, retaining an existing pool and patio, and construct a new, single-family home. Michael Monroe, architect, was sworn in and noted that their engineer was also present for testimony. He showed the Board an aerial view of the property. They decided to replace the structure with a smaller structure. They thought their plan to pull the house back from the water will present a better presentation for the neighbor and get rid of many of the nonconformities on the lot, which is 32,467 sq. ft. in size where 10,000 sq. ft. are required. They have redesigned the house to make it more reasonable to the regulations for the lot.

Mr. Sebastian Pulvinti, project engineer, was sworn in and showed the Board an aerial view of the property, noting the flood zones for the area. The grading was described, and the proposed new grading was shown. He has worked on similar areas post storm in this area. The current grade will be raised from elevation 15' to elevation 20'. This will drop back to the existing grade. The east and west sides of the house were described, with water draining out to the street and then end up in the river. The west side will have a retaining wall 5' in height at the current grade, so as not to impact the drainage. This will be about 10' from the property line, running along the house and proposed driveway,

Christine Nazzaro-Coffone, planner, was sworn in at this time, and the Board accepted her qualifications. She stated they are seeking a “C” variance, and she described the criteria for this variance. Exhibit A-1 (dated 5/21/13) shows an aerial view of the property, which shows that it is being pulled closer to Oak Tree Lane. Dwellings on either side are larger than the proposed dwelling. They will be reducing the impervious coverage with this application.

Michael Jeary, 10 Oak Tree Lane, was sworn in and stated he lives across the street from this property. He supports the application and thinks it will add value to the neighborhood.

Robert Defazio, 7 Oak Tree Lane, was sworn in to also support the application, which he thinks will improve the neighborhood.

Laura Haaren, 11 N. Park Ave., was sworn in and also expressed her support for the application.

David Epstein, 11 Oak Tree Lane, was sworn in and spoke in favor of the application.

Mr. Thompson said he is familiar with the property and thinks they have done a nice job with the property. He moved to approve the application. Mr. Brodsky seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Wood, Brodsky

Nays – None

Motion carried.

Michael & Paulette Walsh, 3 Tennis court Lane

Mr. Walsh was sworn in and explained his plan to expand their home to add bedrooms and expand the kitchen. Jay Measly, architect, was sworn in, and the Board accepted his qualifications. He explained their proposal to construct a new side second floor addition and open porch, side stairwell, new rear enclosed porch and dormer additions. Their variance requests include:

- Property located on private road;
- Minimum lot area (1 acre required / .843 acres provided);
- Interior lot shape (100’ required / 75’ existing);
- Front yard setback (75’ required / 66.2’ existing);
- Side yard setback (28’ one side – total sides 59’)
- Garage setback (15’ required / 0.2’ existing).

The playground equipment will be made to conform (15’ setback). They have added a stairway on the south side of the property, because of an existing stair inside the house, which is 30” wide and unusable, in his opinion. Their proposed stairway allows access to the house, and will be safe. The first floor shows an existing screened porch, which will be enclosed with glass, enabling them to utilize it as a year-round area. There will be two bedrooms and an outdoor porch. The attic level will have a small living area. They will be mostly staying on the existing footprint. The east screened porch will be made a year round room (under 300 sq. ft. – “L” shape). The upper level of the second floor addition will have two bedrooms and a shared bath. An existing attic level will be used for storage.

There were no questions or comments from the public. Mr. Blum noted there are no new nonconformities, only new changes for the side yard, which is still conforming. The road cannot change. He does not have an issue with this application.

Chairman Conklin agrees and thinks it is a reasonable application.

Mr. Thompson moved to approve the application, and Dr. Wood seconded.

Roll Call Vote: Ayes – Conklin, Thompson, Atwell, Blum, Wood, Brodsky

Nays – None

Motion carried.

A short recess was taken at this time.

James & Jaime Dorment, 4 Wood Lane

Dr. Wood will not sit in on this application.

Sean Burns, attorney, appeared on behalf of the applicants, who require a floor area variance for their application to raze the existing dwelling and construct a new single-family residence (3,500 sq. ft. permitted / 4,441 sq. ft. proposed). They are also located on a private road, and frontage on an improved street is required. They have their architect and landscape architect present this evening. An aerial view was presented to show other homes in the area.

James Dorment III, property owner, was sworn in at this time. He explained that his goal for the house is to provide for their growing family's needs. He has spoken to his neighbor, who expressed no objection to their plan.

Jay Anderson, architect, was sworn in, and the Board accepted his qualifications. He described the size of the lot, noting it is unique in that it is more than twice the size for the area. The lot is also an island surrounded by R-2 lots in the R-4 zone. There is also an easement along the west side of the property, giving the appearance of a larger-sized lot. The house is proposed at 4,441 sq. ft. where 3,500 sq. ft. are allowed. The design of the house gives the house scale and a softer appearance. The gambrel roof comes down to the first floor to give a softer impression. Other design elements also serve to bring the design of the house down to bring it more into scale. Also, having the garage at an angle provides a more picturesque element to the design. The surrounding homes all appear to be consistent with the design of this home. Photos provided were marked A-1 and A-2 into the record.

Steven Krog, landscape architect, was sworn in and his qualifications were accepted by the board. He described the plan for the property. They will be replacing evergreens on the northwest corner to create shielding from the property of the neighbor to the north. They have a perimeter of evergreens, as well as other plantings. He has taken photos of the property, dated April, 2013, and these were described and shown to the members of the Board (A-4). He noted a hedge line of arborvitae that they propose to remove and replace, since they are no longer providing any useful screening. William Brooks, Rumson Arborist, has approved this plan. Another photo looking west shows large Norway spruces, which they plan to maintain.

Chairman Conklin asked about the driveway, and the existing driveway was shown on the plan in relation to the proposed driveway. The existing setback will be essentially the same as the house to the south. Mr. Krog stated there were no substantial specimen trees to be removed with this plan. Their plan has been submitted to the Rumson Tree official. He commented on existing American Hollies and dogwoods, which will be transplanted according to their plan, or removed if diseased. Chairman Conklin asked about the size of the lot to the west, and Mr. Krog said it is about a 30,000 sq. ft. lot in size.

It was reported that the setback to the north property line at the closest point is 13.5' where 37.5' are required. They acknowledge that the building coverage is over that allowed.

Mr. Thompson asked if they had a grading plan, and Mr. Krog noted that the current house contains a gentle pitch in the back yard, and there is no substantial grade change with their plan, which proposes a drain inlet in the driveway area with a dry well on the property.

Mr. Anderson confirmed Mr. Krog's statements. Chairman Conklin asked about the front yard setback proposed. Mr. Burns stated the 40' noted on the plans is from the front of the dwelling and not from the porch, which is 35'. The neighbor to the north also has a 35' setback.

Thomas Brownlee, 3 Wood Lane, was sworn in and expressed some concerns with the application regarding the driveway area and the size of the home, which he feels is big. This plan is much closer to his house, and he feels it is too big. The house across the street is not objectionable to him, as it is a larger lot. He would prefer to see the house moved to the southern direction.

Bob Tamashunas, 2 Wood Lane, was sworn in and agreed with Mr. Brownlee's comments. He thinks the size of the house feels very large, including the proposed height. He thinks the house will look proportionately bigger than others on the street. He also has a concern with the way the house is being moved on the lot, making it 5' farther to the south to accommodate the side porch. He thinks the existing trees are beautiful and provide much privacy. He would like to see them maintained on the lot. He thinks the proposed building coverage is extensive, based on the existing homes in the neighborhood. His lot is 2.4 acres in size, and his house is just under 3,500 sq. ft. in size.

Michael Swell, Wood Lane, was sworn in and said he lives to the west of this house. He has no issues with the plans or the applicants. He does not think the house is too large. The distance from his house fits well, in his opinion. He thinks the design is consistent with the town. He has no objection to the application and expressed his support.

John Ferguson, 8 Holly Tree Lane, was sworn in and stated that they support the application. They think the plan fits in with the town and the neighborhood and is proportionate with the lot. He thinks the landscaping will be a tremendous improvement to the area.

Lynn Deangelis, 10 Holly Tree Lane, was sworn in and said they live west of the proposed property. She has no objection to the application and supports it.

Mark Delpriore, 36 Navesink Ave., was sworn in and said he is a life-long resident of Rumson, and supports the application.

Richard Jones, 37 Navesink Ave., was sworn in and questioned the plans for the driveway, and was told they could have either gravel or paved asphalt driveway. The current asphalt was not considered in the lot coverage, but would be additional impervious surface, if included. The grade from the existing house pitches in all four directions, according to Mr. Krog. The new construction drainage was addressed, with Mr. Krog noting that the water would be collected in dry wells in the front of the property, and they would not be adding but be reducing the amount of run off, because of the current conditions. All roof water will discharge on grade and cross the grass. No drainage patterns will be changed. Mr. Jones expressed concern that there is a drainage problem that occurred after other recent construction close to his property on Navesink Ave. He thinks this application will cause additional problems for him, and he would object to new impervious surfaces that might add to their problems. He would suggest piping water away from their area. He asked if the members were aware of any proposed improvements for this area to address this issue. The Board members said they were not aware of any proposed improvements at this time. Mr. Jones thinks any additional impervious surface would add to the water problems in this area. Mr. Reilly noted that a drainage plan would need to be submitted to be approved by the borough engineer. Mr. Krog stated that the borough has an ordinance that requires them to demonstrate that there will not be an increase in the run off across property lines. Mr. Reilly understands Mr. Jones' comments, and the applicant's experts will address these questions.

There were no other questions or comments from the public. Mr. Anderson commented on the neighbor's comments regarding the height of the building. He noted that there has been a change in the allowable heights in Rumson, to allow for better grading post Sandy. This zone is a part of the change. He sees this as a part of the future of the development for the zone. The current house is proposed as 35'. These new heights apply across the zone and are not just determined by the flood zone. They do not have a current plan for a basement at this time.

Chairman Conklin questioned the lot sizes nearby, and Mr. Burns stated his feeling that their lot should have a mechanism for moving beyond the cap, given the excessive lot size. He said they will propose to move the house in a southern direction, if the Board should determine this is necessary.

Mr. Thompson thinks there are some revisions that need to be considered. The neighbor's concerns need to be addressed. He likes the look of the house, but he thinks there are some things that still need to be addressed. He thinks the house may be too large.

Mr. Blum thinks the primary issue is that it is in the R-4 Zone, which requires a maximum floor area, and there is a reason for this maximum requirement. They have not heard testimony as to the validity or special reasons for this variance.

Mr. Brodsky agrees and noted that they have approved situations in the past to exceed the cap; however, he does not see any reason to allow the larger house for the area. He would like to hear more information as to why this larger area is needed. Although he thinks it is a beautiful design.

Mrs. Atwell commented that the design is beautiful, but thinks this is a very large design for the area and agrees with the comments of the neighbors.

Mr. Burns said they will address the Board's comments and requested that the application be carried for one month. Mr. Reilly stated that the application will be carried, and additional notice will be provided (June 18th meeting).

David & Patricia Doherty, 20 Avenue of Two Rivers

Chairman Conklin announced that this application will be continued to a future meeting with no further notice required.

Approval of Minutes

Motion was made and seconded to approve the March minutes, with corrections. Voice Vote: Ayes, unanimous.

Resolutions

1. **Terence & Marnie Doherty, 88 ½ Rumson Rd.** – Approval to construct in ground pool and patio;
2. **Jason & Lisa Halikias, 40 Washington Ave.** – Approval to elevate residence to comply with new flood elevation, construct new front porch, second floor addition, and side addition and garage;
3. **Jack & Ann Ross, 16 Broadmoor Dr.** – Approval to raze existing residence and construct new single-family residence, retaining existing cabana, pool and detached garage;
4. **Bruce and Deborah Hohorst, 25 South Shrewsbury Drive** – Approval to raze existing house and in-ground pool and construct new single-family residence, in-ground pool and patio.

Mr. Thompson moved to adopt the resolutions, and Dr. Wood seconded.

Roll Call Vote: Ayes (Eligible) – Conklin, Thompson, Atwell, Blum, Duddy, Wood, Brodsky

Nays – None

Motion carried.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 11:00 p.m.

Respectfully submitted,
Patricia Murphy
Clerk